

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

CASE TYPE: CIVIL

---

Anthony Joseph Whebbe,

Court File No. \_\_\_\_\_

Plaintiff

**ANSWER**

v

Delta Tau Delta Fraternity,

Defendant.

---

Defendant for its Answer to the Complaint herein, states and alleges as follows:

I.

Denies generally each and every allegation, matter and thing contained in the Complaint except as hereinafter admitted, qualified or otherwise stated.

II.

Is unable to admit or deny paragraph I of plaintiff's Complaint, therefore, puts plaintiff to his strict proof thereof.

III.

Denies paragraph II of plaintiff's Complaint, as stated.

IV.

Admits paragraph III of plaintiff's Complaint to the extent that a birthday party was held at a fraternity house, but denies the remainder of paragraph III of plaintiff's Complaint.

V.

Denies paragraphs IV through VII of plaintiff's Complaint.

VI.

Denies, upon information belief, paragraph VIII of plaintiff's Complaint.

VII.

Denies paragraphs IX through XI of plaintiff's Complaint.

VIII.

Denies paragraphs XII through XV of plaintiff's Complaint.

IX.

States as an affirmative defense that plaintiff's Complaint fails to state a claim upon which relief can be granted.

X.

States as an affirmative defense that plaintiff's Complaint is barred in whole or in part by Minn. Stat. § 604.01, et. seq.

XI.

States as an affirmative defense that if plaintiff suffered injuries or damages as alleged in plaintiff's Complaint, or otherwise, that said injuries or damages were caused or contributed to by the fault of others over whom this answering defendant had no control.

XII.

States as an affirmative defense that plaintiff has failed to implead an indispensable party to this matter.

XIII.

States as an affirmative defense that plaintiff's Complaint is barred in whole or in part by the doctrine of primary assumption of risk.

WHEREFORE, defendant prays that plaintiff's Complaint be dismissed with prejudice and on the merits and that defendant be awarded its costs, disbursements and any other relief the Court deems just and equitable.

Dated: November 17, 2010.

Lind, Jensen, Sullivan & Peterson  
A Professional Association

s\ Brian A. Wood

---

Brian A. Wood #141690  
Attorneys for Defendant  
150 South Fifth Street, Suite 1700  
Minneapolis, Minnesota 55402  
(612) 746-0151

**ACKNOWLEDGMENT**

The undersigned acknowledges that pursuant to Minn. Stat. § 549.211, the Court may award to any opposing party costs, disbursements and reasonable attorneys' fees and witness fees if the party represented by the undersigned, or the undersigned, acts in bad faith, asserts a claim or defense that is frivolous and costly to the other party, asserts an unfounded position solely to delay the proceedings, or harasses or commits a fraud upon the Court.

---

Brian A. Wood